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IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 20, 1863.

Read twice, ordered to be printed, and recommitted to the Committee of Elections.

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Mr. WORCESTER, from the Committee of Elections, reported the following bill:

**A BILL**

To provide for the election of representatives in Congress from the State of Tennessee.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That, until otherwise provided by the legislature of the State  
4       of Tennessee, representatives in Congress from said State  
5       shall be elected at the times, places, and in the manner pre-  
6       scribed in this act, anything in the laws of said State to the  
7       contrary notwithstanding.

1       SEC. 2. *And be it further enacted,* That, for the purpose  
2       of electing such representatives under the eighth census of  
3       the United States and the laws now in force apportioning the  
4       same among the States, the State of Tennessee is divided into  
5       eight congressional districts, as follows:

6       The first district comprises the counties of Hancock,  
 7 Hawkins, Sullivan, Johnson, Carter, Washington, Green,  
 8 Cocke, Jefferson, and Sevier.

9       The second district comprises the counties of Granger,  
 10 Claiborne, Campbell, Anderson, Union, Knox, Blunt, Monroe,  
 11 Roane, Morgan, Scott, Fentress, and Cumberland.

12       The third district comprises the counties of McMinn,  
 13 Polk, Meigs, Rhea, Bradley, Hamilton, Sequatchee, Bledsoe,  
 14 Van Buren, White, De Kalb, Putnam, Overton, and Jackson.

15       The fourth district comprises the counties of Marion,  
 16 Franklin, Grundy, Warren, Coffee, Lincoln, Marshall, Giles,  
 17 Maury, and Laurence.

18       The fifth district comprises the counties of Bedford,  
 19 Cannon, Rutherford, Wilson, Smith, Macon, Sumner, and  
 20 Williamson.

21       The sixth district comprises the counties of Davidson,  
 22 Robertson, Cheatham, Montgomery, Stewart, Dickson, Henry,  
 23 Humphreys, Hickman, and Lewis.

24       The seventh district comprises the counties of Weakley,  
 25 Obion, Dyer, Gibson, Carroll, Benton, Lauderdale, Haywood,  
 26 Henderson, and Decatur.

27       The eighth district comprises the counties of Shelby,  
 28 Tipton, Fayette, Hardiman, Madison, McNairy, Hardin,  
 29 Wayne, and Perry.

1       SEC. 3. *And be it further enacted,* That the representa-

2 tives in Congress from said State, under said census and ap-  
3 portionment, shall be elected on the first Thursday of August,  
4 anno Domini eighteen hundred and sixty-three, and on the  
5 first Thursday of August, biennially, thereafter. The polls  
6 at said election shall be opened between the hours of seven  
7 o'clock antemeridian, and eight o'clock antemeridian of said  
8 days, and shall be closed at sunset.

1       SEC. 4. *And be it further enacted*, That said election  
2 shall be held at the county court-house of each county of the  
3 State, and such other places as may be designated by the  
4 returning officer; at which election all citizens of the county,  
5 in which the election is held, having the qualifications of  
6 electors prescribed in article four, section one of the constitu-  
7 tion of Tennessee, shall have the right to vote. The mode  
8 of conducting said election and the proceedings at the polls,  
9 so far as the same are not inconsistent with this act, shall be  
10 the same as are prescribed in the code of Tennessee, in article  
11 seven of said code, entitled "proceedings at the polls."

1       SEC. 5. *And be it further enacted*, That, for the pur-  
2 pose of holding and conducting said elections, the acting  
3 governor of the State shall appoint, for each county, one offi-  
4 cer, to be styled the returning officer of the county, who shall  
5 appoint three judges or inspectors of said election for each  
6 ballot-box, either of whom may administer any oath author-  
7 ized by law to be administered in conducting said election.

8 Said returning officers and inspectors shall be resident free-  
9 holders of the county for which they are appointed. Said  
10 inspectors may appoint as many clerks to aid them in re-  
11 cording the names of the voters at said election in the poll-  
12 lists, and in counting the votes, as they shall deem necessary;  
13 not exceeding two in number, for each ballot-box. And it  
14 shall be the duty of such returning officers to provide as  
15 many ballot-boxes, respectively, and to appoint inspectors  
16 therefor at each place fixed for voting, as may be necessary ;  
17 and the same may be increased at any time during the  
18 progress of the voting, if necessary.

1       SEC. 6. *And be it further enacted,* That if the acting  
2 governor shall fail to make appointment of returning officer  
3 of election in any county, the sheriff, coroner, or chairman of  
4 the county court, precedence of authority being given in the  
5 order in which they are herein named, shall appoint a  
6 respectable resident freeholder of the county as such returning  
7 officer. Or if any returning officer appointed by the acting  
8 governor shall from any cause fail to serve, the vacancy so  
9 occasioned shall be filled as aforesaid by such sheriff, coroner,  
10 or chairman of the county court.

1       SEC. 7. *And be it further enacted,* That each of said  
2 officers, including the clerks, before entering upon his duty,  
3 shall take an oath to support, protect, and defend the Con-  
4 stitution and government of the United States against all

5 enemies, domestic and foreign, and to bear true faith, alle-  
6 giance and loyalty to the same, any law, ordinance, or  
7 resolution of any State legislature, or convention, to the con-  
8 trary notwithstanding. Each returning officer and clerk shall  
9 also take the oaths prescribed for inspectors and clerks of  
10 election, respectively, in sections eight hundred and forty-four  
11 and eight hundred and forty-five of the code of Tennessee.

1       SEC. 8. *And be it further enacted,* That the acting  
2 governor shall give thirty days' notice of the time and places  
3 of holding such election, by publication in one newspaper  
4 printed at the seat of government of said State, and, if prac-  
5 ticable, in one other newspaper published in or in general  
6 circulation in each congressional district; and it shall also be  
7 the duty of said returning officers of the county to give notice  
8 by written advertisement at the court-house door and other  
9 public places in such county of the time and places for hold-  
10 ing said election as soon as possible after receiving notice of  
11 his or their appointment.

1       SEC. 9. *And be it further enacted,* That a reasonable  
2 time, and not less than ten days prior to each election, the  
3 acting governor shall issue and cause to be delivered to the  
4 returning officer in each county in said State a writ of election,  
5 to be substantially in the following form, and which shall be  
6 returned within twenty days after the day of election :

7 UNITED STATES OF AMERICA, State of Tennessee, ss:

8 To ———, returning officer for the county of ———,  
 9 greeting: You are hereby commanded to hold an election for  
 10 representative to the Congress of the United States, for the  
 11 ——— congressional district of the State of Tennessee, in and  
 12 for the county of ———, in said State; and having held such  
 13 election, you will make return of this writ, without unneces-  
 14 sary delay, to the office of the secretary of state of the State  
 15 of Tennessee, showing your proceedings thereon, and how  
 16 the same has been executed, with a schedule annexed there-  
 17 to, by you certified and signed, showing the name of each  
 18 candidate voted for at such election, and the number of votes  
 19 cast for each candidate.

20 Given under my hand and the seal of the State of Ten-  
 21 nessee, at ———, this — day of ———, anno Domini eighteen  
 22 hundred and sixty ———.

23 ———, Acting Governor.

24 Attest:

25 ———, Secretary of State.

1 SEC. 10. *And be it further enacted*, That every person  
 2 offering to vote at any election by this act provided for,  
 3 whose right to vote shall be challenged by any legal voter  
 4 on the ground of disloyalty to the United States, shall take  
 5 and subscribe the following oath, to wit:

6 I, ———, do solemnly swear (or affirm) that I will

7 support, protect, and defend the Constitution and government  
 8 of the United States against all enemies, whether domestic or  
 9 foreign; that I will bear true faith, allegiance, and loyalty to  
 10 the same, any ordinance, resolution, or law of any State con-  
 11 vention, legislature, or other organization, secret or otherwise,  
 12 to the contrary notwithstanding; and that I do this with a  
 13 full determination and of my own free will, without any  
 14 mental reservation or evasion whatsoever.

1        SEC. 11. *And be it further enacted,* That so soon as  
 2 practicable after the polls are closed and the votes counted,  
 3 the poll-books, containing the names of the candidates voted  
 4 for, and the number of votes cast for each, shall be certified  
 5 and signed by the inspectors, and the poll-lists containing the  
 6 names of all the electors who voted at said election shall be  
 7 certified and signed by the clerks, and thereupon said poll-  
 8 books and poll-lists shall be delivered to the returning officer  
 9 of the county, who shall deliver them at the office of the sec-  
 10 retary of state at the same time with the return of the writ  
 11 of election, there to be filed and preserved.

1        SEC. 12. *And be it further enacted,* That upon the  
 2 return of the writs of election, the acting governor and sec-  
 3 retary of state shall, in the presence of such of the candi-  
 4 dates and electors as may choose to be present, canvass all  
 5 the said returns so made, compare each return with the poll-  
 6 book from the same county, and upon ascertaining the num-

ber of votes cast for each candidate voted for, the acting governor shall make and deliver to the candidate having the highest number of votes in his district an official certificate of his election.

SEC. 13. *And be it further enacted,* That if, from any cause, the people of any congressional district in said State shall fail to elect a representative to Congress at the time provided for such election in this act, or if after such election a vacancy in the representation of any district shall occur by death, resignation, or otherwise, it is made the duty of the acting governor to issue writs of election to fill the vacancy so existing; which writs shall be executed and returned, the election notified and conducted, and its result authenticated, in all respects in conformity with this act.

SEC. 14. *And be it further enacted,* That in the event the thirty-eighth Congress shall be convened in extraordinary session by the President before the period fixed by this act for election of members of Congress for the State of Tennessee for said Congress, then, and in that event, the election provided by this act may be holden by the persons herein empowered to hold the same on the fourth Thursday after the date of the proclamation of the President convening such extraordinary session.